TWO IMPORTANT QUESTIONS.

1.

What is Prison Reform?

BY REV. FREDERICK H. WINES.

2.

Has Crime Increased in Massachusetts?

BY WARREN F. SPALDING.

PUBLISHED BY
THE MASSACHUSETTS PRISON ASSOCIATION,
No. 1 Pemberton Square, Boston.
1892.

Massachusetts * Prison * Association,

(Organized December 9, 1889.)

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OBJECTS OF THE ASSOCIATION.

1. To enlighten public opinion concerning the prevention and treatment of crime.
2. To secure the improvement of penal legislation.
3. To protect society from habitual criminals.
4. To befriend the innocent and ignorant under accusation.
5. To promote the welfare of those placed on probation by the courts, and also of the families of prisoners.
6. To aid released prisoners in living honorably.

MEMBERSHIP.

The payment of two dollars constitutes any person a member of this Association. The payment of twenty-five dollars at one time constitutes a life-member, and the payment of one hundred dollars an honorary life-member.

What is Prison Reform?

An address delivered by the Rev. Frederick H. Wines, Secretary of the State Board of Charities of Illinois, in the Old South Church, Boston, January 13th, 1892, before the Massachusetts Prison Association.

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What is Prison Reform?

Every patriotic citizen of the United States, every lover of humanity, must feel himself at home in Boston. After saying so much, I hardly dare to say that I feel very much at home here myself. There is no city in the Union from which it is so hard for me to tear myself away.

Naturally, then, it affords me pleasure to render any service to one of the youngest, but by no means the least important, of your local charities. The repression of crime is, on the contrary, the most important task which the state has to perform, except its prevention. The Prison Association is not a recognized official bureau of your state government, but it is none the less a very real and valuable adjunct to it. In a free country, whose political ideal is self-government, the actual constitution is far more comprehensive and more flexible than the written instrument which we call by that name. It includes not only the institutions and agencies listed in that compact and bond of union, but many others, such as the caucus and the convention, by means of which the people ascertain and execute their political purposes. It includes, indeed, all associations for the promotion of the public welfare, whose voluntary action tends in any degree to render less necessary the more formal intervention of the constituted authorities, or whose influence upon public opinion affords a solid support to popular government. In this sense the Massachusetts Prison Association may be said to be a part of the machinery by which the people of Massachusetts govern themselves, and so preserve their political independence. You are scarcely conscious of your own dignity, and good men who do not rally to your support do not rightly appreciate the respect in which your work should be held.

COMMON MISAPPREHENSIONS.

This popular indifference is no doubt due partly to ignorance and partly to misunderstanding and prejudice. It is a very common supposition

that you are a company of sentimentalists, with perverted sympathies, and incapable of righteous indignation against crime. You are believed to be so in love with the criminal that your feelings have run away with your judgment, and that you are blind to the demands of justice and the rights of the innocent. You, who are banded together for the single purpose of warring against crime, are charged with having done more for its promotion than all the known and acknowledged children of darkness. You do wrong when you seek to mitigate the horrors of prison life, because you make legal punishment less deterrent to evil-doers. You do wrong in endeavoring to secure the reformation of the prisoner, because you encourage and reward hypocrisy in the prison. You inflict a positive injury on society by lending a helping hand to the discharged convict. Your principles tend to the subversion of the law, and your disregard of the eternal distinction between right and wrong in the persons of the innocent and the guilty is irreligious and immoral. Victims of an amiable delusion, in pursuit of a chimerical benefit, you would lay upon the wealth of the country, and therefore upon its poverty also, an additional burden of expense which can yield no adequate return. That is the indictment against you, plainly stated, in language less polite than your opponents would use,—to your face at least.

AN UNFOUNDED CHARGE.

Now, who is entitled to bring this charge? And how much truth is there in it?

The charge is, in the first place, unscientific. Science bases her conclusions upon ascertained and demonstrable facts. More than that, it groups the facts from which it draws its inferences according to relations of cause and effect. Now, the great increase in the amount of crime in the United States, on which sensational writers for the press delight to dwell, in the spirit of pessimism, is a myth. Having twice collected and collated the statistics of crime for the general government, both in the last census and in that of 1880, I regard myself as qualified to speak with some authority on this question. I know, and have repeatedly said, that the prison statistics of the census prior to 1880 are hardly worth the paper on which they are printed, owing to the defective methods used in procuring them and the still more misleading mode of their presentation.

At best, prison statistics are a poor criterion of the extent of crime in any community. Where they are published in a lump figure, as they were

before my connection with the Census Office, without distinction as to the offenc· s charged or the sentences pronounced by the courts, their value, even if we assume their accuracy, is reduced to a minimum. A real increase in the number of prisoners may be due either to an addition to the list of offenses punishable by incarceration, or to greater severity on the part of the courts in dealing with them, and not at all to any increase in the number of crimes committed. The statistics that we need, and which we can not have without the intervention of the Department of Justice at Washington, are judicial statistics, like those of Great Britain, a statistical record of court proceedings in the trial and conviction of offenders against the criminal code. In the absence of that only adequate source of information, our inferences from the census are liable to be erroneous.

WHAT STATISTICS SHOW.

But a comparison of the figures for 1880 and 1890, such as we have them, (and, in spite of all the criticism made upon the Eleventh Census, I am prepared to stake my reputation on their absolute accuracy), shows that, while the population of the United States has increased by a little more than 22 per cent, during the decade, the number of convicts in our penitentiaries has increased by only about 25 per cent, and that the ratio of penitentiary convicts to the total population in 1890 was greater than that in 1880 by only 13 to the milllion. There is surely no ground in this statement for alarm or portentous prognostications. It is true that the ratio of convicts in the minor prisons—our police stations, county jails, and houses of correction, is much larger than it was ten years ago; but the men and women confined in them are mainly charged with pretty misdemeanors, which do not rise to the dignity of a crime, and the increase in the number of commitments is largely due to greater vigor in the attempt to suppress drunkenness and disorder.

If, however, the examination of other sources of information than the census should result in showing that in some limited local area serious crime has increased out of proportion to the growth of the population, it would by no means follow that improved prison management is responsible for such increase. It is far more reasonable to attribute it to causes operating outside the prisons, to altered social conditions, to increasing wealth, the growth of great civic centres with their denser population, and the imperfect manner in which the laws designed to suppress the causes of crime are enforced, particularly in cities. The increase of prison population, you

will observe, is precisely in those prisons which prison reform has least influenced for good; in the prisons where its precepts are most ignored, and where least effort is made to stem the rising tide of crime by the introduction of a reformatory discipline.

PRISON REFORM IS SCIENTIFIC.

For this reason I call the opposition to prison reform unscientific. But it is unscientific for another reason. If science teaches anything, it is that character and conduct are the product of heredity and environment. We can not alter the inheritance of a man arrested on a criminal charge, but we can change his environment, from one of idleness to one of industry, from ignorance to knowledge, from bad to good sanitary surroundings, and we can surround him with a new moral and religious atmosphere. It is absurd to suppose that no change can be effected in him, under right influences, intelligently brought to bear for a sufficient length of time. The question is one of methods and of the right man behind them, as it is in medicine. It would be equally rational to abandon the sick and the wounded to their fate, and that in conditions known to be unfavorable to their recovery.

PRISON REFORM BASED UPON RELIGION.

But the charge brought against you has no better foundation in religion than in science. Religion is a doctrine concerning God and a doctrine concerning man. It teaches that God is both just and merciful; that man is a sinner, but that he may be forgiven and redeemed.

If there is one sentence in the Apostles' Creed which I repeat with a deeper sense of its truth and tenderness than any other, it is this: "I believe in the forgiveness of sins."

Prison reform does not set aside the justice of God, nor seek to paralyze the arm of the earthly ruler, the minister of God, when he declares and enforces the penalty of transgression. It seeks rather to sustain him. It believes in law, upholds the law, and finds the justification of legal punishments not in the sentiment of vengeance but in the protection of society. The advocates of the indeterminate sentence go so far as to declare that the man whose criminal propensities and habits are a menace to public security should be confined for life, if he persists in their indulgence.

But prison reform would make the offer of pardon to a criminal no less full and free than to the sinner, and it would found this offer, as the gospel does, upon his penitence and amendment. It would bring to bear

upon the criminal every influence, it would appeal to every motive, which can induce him to accept this offer. It looks upon criminality as a stain not more ineradicable than depravity. If there is hope for every sinner, there is hope for every convict.

We can not discriminate between men who need our help. Even a dying man can not be permitted to perish without the ministrations of the living. He who would leave the worst of men wallowing in his guilt and make no effort to kindle in his soul a new aspiration, to arouse his manhood, to restore him to self-respect, to save him from sinking deeper yet into the slough of despond. puts himself on the moral plane of a murderer. He is neither a good Christian, a good Jew, a good Mussulman, nor a good pagan.

PRISON REFORM PAYS.

Neither is this charge brought in the interest of sound finance. What is more costly than crime? What would add more to the wealth of the world than its suppression? There are, in round numbers, 100,000 men, women, boys and girls in our penal and reformatory institutions, who cost, on an average, for their custody and support in a state of incarceration, over and above what they are able to earn, not less than $150 each per year. This single item of expense aggregates $15,000,000 annually.

But it is only one item of many, which go to swell the account against crime. Think of the cost of arrests, of our police and constabulary, and of convictions—of the courts, with their officials, witnesses, and attorneys. Think of the losses sustained in consequence of the depredations of criminals at large. Think of the enormous expenses involved in self-protection against thieves—vaults, safes, alarms, and what not. We hold our possessions, great or small, by a struggle which knows no end, and are compelled to pay a perpetual tax for such a degree of security as will enable us to sleep at night.

ORGANIZED EFFORT.

The Prison Association is part of the machinery for the protection of society against these losses. It devotes much time to the study of methods for reducing the volume of crime to a minimum. It concerns itself with the question of better police as well as of better prisons; of improved criminal legislation as well as improved prison administration; of the prevention of crime as well as its punishment. If it favors intelligent, humane, persistent effort for the reformation of criminals, that is because the surest

way of getting rid of your enemies is to convert them into friends. There is no safety against the criminal, except in his reformation or incapacitation. Of the two, his reformation, if it can be effected, costs the least and affords the most complete protection. From the financial point of view, the people of Massachusetts have the deepest interest in the successful accomplishment of the task which this Association has undertaken.

The cost of your prison system is neither here nor there. You do not expect your hospitals for the insane to be self-sustaining. The cost of crime is the main point. Can you, by spending a little more upon your prisons, avoid the necessity for spending as much as you now do for protection against crime?

IN THE INTEREST OF THE LABORING CLASSES.

Prison reform is as truly the interest of the laboring man as it is of the capitalist. I sometimes think that the poor know this better than the rich. The workingmen of America have a much more intelligent appreciation of social problems and their solution than those who do not know them well are aware. They understand that the burden of taxation falls at last on labor, and that the existence of an idle, predatory class is a disgrace to men who have nothing in common with them, but are apt to be confounded with them by the thoughtless and uninformed. They know, too, how easily the unsuccessful laborer drops down into the lower level of crime. Their sympathies are with every movement which seems to them calculated to lift men up, to alleviate the suffering incident to human life, and to make the world truly better.

THE OPPOSITION OF POLITICIANS.

But of all men in whose mouth the expression of hostility to the work of this Association lies with least grace, commend me to the professional politician—not the statesman and the patriot, but the demagogue who purchases votes at the sacrifice of principle by pandering to the degradation of human nature. How can he who believes in no higher motive than that of self-interest, who has not the mental capacity to see that our personal interests are promoted by the public welfare and in no other way, comprehend the love which is ever ready to make sacrifices for the elevation of the lowly and the regeneration of the lost?

There are two sorts of politics, of which one aims at power through the sale of office, the other through the service of the people. The one believes in policy, the other in principle. The one places good government

before all other considerations; the other will stoop to any kind of government which will ensure party success. The one represents the best and the other the worst element in our national life. The one believes in prison reform, the other flouts it. I believe that in the struggle between these two for existence, the survival of the fittest will be the triumph of the highest type of manhood in the government of a free and intelligent people; that in standing for the principles which you represent you have obeyed Emerson's injunction to hitch your wagon to a star. As that star rises above the rim of the Atlantic you will rise with it, and mounting constantly higher, reach the zenith, to set no more.

WHAT THE PRISON ASSOCIATION REPRESENTS.

For you stand for everything that is true in science or religion, everything that is right in morals, everything that is humane in life, everything that is politic in government, everything that is sound in finance. If truth is stronger than error, you are stronger than all your detractors. If right must ultimately prevail over wrong, the final victory of your principles is assured. To believe otherwise would be to dethrone the Almighty and put the arch enemy in his place.

Let us consider, just for a moment, in closing, what you do represent. If I understand your purposes aright, you do not simply aim to dole out temporary aid to discharged prisoners, but to educate the community of which you form a part, to help develop public opinion in favor of better methods of dealing not only with convicts but with crime. You base your work, not on sentiment, but on information, and are willing to take the pains necessary to acquire it. You propose to study the prison question, and when you speak, to speak with the authority which is inseparable from the truth.

You want more just and equitable criminal laws, and a firmer administration of them.

You want fewer arrests and more convictions. You want less legal quibbling in your courts, not so many needless delays, and fewer miscarriages of justice.

You want sentences for crime which are not a travesty upon every principle which ought to characterize a criminal code and its enforcement.

You want better men in charge of your prisons, from the warden down to the turnkey, and when you get a good man there, you want him kept there.

You want such tests applied to men in prison as will enable you to distinguish between the corrigible and the incorrigible.

You want to empty your prison cells of the corrigible as fast as possible, and to retain the incorrigible permanently confined, at least until they are no longer dangerous to life or property.

You want to see prisoners leave the walls better men, not worse, than when they entered.

You want such a state of things as will justify a right-minded employer in giving employment to every discharged convict, so that he may be classed as a workingman, not as a pauper.

You want to see the date of his discharge made to depend upon his progress in regaining his lost self-control, and the reality of his reformation tested by a period of probation on the outside.

You are opposed to the herding of prisoners together, to their association in idleness, and especially to the mingling of the sexes in prison, or of children with adults, or of the innocent with the guilty.

You are opposed to all systems of prison labor and to all arrangements for the payment of fees which give to any human being a personal pecuniary interest in the commitment or detention of prisoners.

You are opposed to all rules, regulations, and punishments which tend te degrade men in their own sight and that of others.

You are opposed to the subordination of prison appointments and prison discipline to the supposed exigencies of party politics.

You believe in the suppression of crime by putting as effectual restraints as may be possible upon the operation of the causes which foster the growth of crime, including the saloon, the gambling-hell, and the brothel.

You believe in special pains to prevent the growth of crime by early care of children exposed to its contaminating influences; by giving to every child in the community a happy home, a fair education, and the opportunity and disposition to earn his or her own livelihood by honest labor.

Are these your principles and aims? I ask every man and woman in this audience, who stands upon this platform, to rise for one moment to your feet.

It is well. If, now, you will propagate the principles which you profess, if you will press them upon the attention of all who form public opinion by speech or writing, and especially upon the attention of your legislators and judges, you will be invincible.

Has Crime Increased in Massachusetts?

BY WARREN F. SPALDING,

SECRETARY OF MASSACHUSETTS PRISON ASSOCIATION.

Reprinted from the FORUM for January, 1892, by the Massachusetts Prison Association, No. 1 Pemberton Square, Boston.
1892.

NOTE. This pamphlet is reprinted from the January (1892) number of THE FORUM. A later examination of the official records shows that the figures used by Mr. Andrews in his article in the October (1891) number of THE FORUM, quoted herein, on Page 1, had no reference whatever to *prisoners*. They are taken from the Attorney General's report, and refer to *convictions* secured in the year 1838, in cases in the higher courts, conducted by the several district attorneys. They did *not* include cases disposed of in the lower courts, which numbered more than four thousand each year. The number of *prisoners remaining* at the end of the year 1838 was almost identical with the number of convictions in the higher courts that year, viz., 852. The first official record of *prisoners remaining* began in 1841. The average number of prisoners in confinement November 1, 1841, '42, '43 and '44 was 928. It could not have varied much from 852 in 1838. It was certainly not less, for the number of convictions did not vary materially, from 1838 to 1841. W. F. S.

Has Crime Increased in Massachusetts?

In an article in the October number of the FORUM, Mr. W. P. Andrews makes use of certain facts as to the course of crime in Massachusetts, to prove that the more humane treatment of prisoners in later years has increased criminality. Even if the facts were as he states them, I should take issue with him as to the cause of the increase. But my main object in this paper is to show that he has only partially stated the facts, and that some of them were, by inadvertence, misstated. Three times in his article Mr. Andrews declares that while the population has trebled since 1838, the number of prisoners has increased fifty-fold. Once he uses these words:

"We must not forget that while, in the last fifty years, the population has increased from 737,700 to 2,238,943—that is, has about trebled—the number of prisoners has meanwhile increased fifty-fold—852 prisoners in 1838, against 44,908 in 1890."

The error in this statement lies in the fact that a comparison is made between figures which have no relation to each other. The 852 prisoners in 1838 were those remaining at the end of the official year. The 44,908 prisoners of 1890 were those committed during the year, and even these are stated as one-third larger than they were, doubtless inadvertently, the official reports showing the number of commitments in 1890 to have been 33,290. The comparison should have been made between the 852 prisoners remaining in prison in 1838 and the 5,739 remaining in 1890. The increase in the prison population has been seven-fold, instead of fifty-fold. In other words, the criminal population has increased a little more than twice as rapidly as the entire population.

There can be no difference of opinion as to the seriousness of even this rate of increase, but in order to understand its full meaning the figures

given must be studied in connection with others. The condition of affairs at intermediate dates between 1838 and 1890 is important. The more lenient methods of treatment did not begin to prevail until after the war. In the period from 1838 (the starting-point of Mr. Andrews) to 1861 the punitive system prevailed. The growth of crime in that period, and from 1861 to 1890, and the percentage of increase are shown in this table:

Years.	Population.	Number of Prisoners.	Proportion to Population.	Percentage of Increase.
1838.....	700,000	852	1 in 822; or 121 + in 100,000	
1851.....	994,514	1,640	1 in 606; or 165 + in 100,000	35 +
1861.....	1,231,066	2,634	1 in 467; or 214 + in 100,000	29 +
1890.....	2,238,943	5,739	1 in 390; or 256 + in 100,000	19 +

In the ten years from 1841 to 1851 the number of persons in prison at the end of the years increased from 990 to 1,640, or 65 per cent. In the same period the population of the State increased only 34 per cent. In other words, the number of criminals increased almost twice as rapidly as the population did. In the ten years from 1851 to 1861 the number of prisoners remaining increased from 1,640 to 2,634, equal to more than 60 per cent., while the whole population increased only 23 + per cent. During this decade the Boston House of Industry was established. Its inmates are included in the figures for 1861.

The population of the State during the two decades, 1841 to 1861, increased 67 + per cent, and the prison population more than 166 per cent, or from one in 822 of the population in 1838 to one in 467 in 1861. Many persons find it difficult to understand the real meaning of the proportion of prisoners to population when stated in this form. Mr. Andrews apparently misunderstands it, for he says:

"If in fifty years the ratio of prisoners to population has been reduced [he means increased] from one in 800 to one in 400, will the next fifty years take off the remaining 400, and shall we become a nation of criminals?"

The absurdity of the question will be seen if I state the facts in another form: The number of criminals has increased from 121 + in 100,000 in 1838 to 256 in 100,000 in 1890. Will the same rate of increase in the next half-century make us a nation of criminals? Not at all. There are now 99,744 non-prisoners in each 100,000 of the population. If the number of prisoners should be doubled, there would still be 99,488 persons out of prison to 512 in confinement. If the crime-class should continue to increase at the rate of 256 in 100,000 in each fifty years, it would require

nineteen thousand years to bring about the suggested catastrophe, and change the 99,744 virtuous persons into criminals.

It will be of interest to compare the growth of crime in the period when the punitive system prevailed with the increase in the years in which greater leniency may possibly have been shown. In the years from 1838 to 1861 the increase was from 121 + to 214 + in 100,000, or 76 + per cent. In the twenty-nine years from 1861 to 1890 it was from 214 + to 256 + in 100,000, or only 19 + per cent. The number of prisoners has not yet begun to show a decrease, but the rate of increase has been lessened. We are not "going to the bad" as rapidly as we were from 1840 to 1860. I do not believe that this improvement is due to any change in the prison system. I merely mention it to show how groundless is the assumption that by improving the lot of the prisoner we have increased crime.

In all studies of statistics of crime, we need to keep in mind the kind of offences committed, as well as the changes in the proportion of prisoners to population. We have official figures from 1841 to 1858, showing the number of commitments for various classes of crimes. (The number of commitments in a year should not be confounded with the number of prisoners remaining at the end of the year.) The number of commitments in 1841, 1846, 1851, 1858, 1880, 1885, and 1890 was as follows:—

Offences.	1841	1846	1851	1858	1880	1885	1890
Assault	243	496	877	1,562	1,578	1,754	1,732
Burglary	12	36	139	221	173	271	267
Forgery	19	13	20	41	11	41	27
Homicide	6	12	13	40	10	16	12
Larceny	595	1,082	1,457	2,320	1,518	2,031	1,754
Counterfeit money	4	25	44	119	.....	.....	.....
Total	879	1,664	2,550	4,303	3,290	4,113	3,792
Drunkenness	1,143	2,816	3,850	5,490			
All other offences	1,670	1,275	3,441	4,011		See later tables.	
Total	3,692	5,755	9,841	13,804			

From 1841 to 1858 the commitments for six prominent offences against the person and against property increased 382 + per cent, and the commitments for all offences 273 + per cent. This was in the days when there was no "sentiment" in prison management.

So much for the past. But how about the present? The statistics of crime in Massachusetts, since 1881, are very complete. The credit of this for recent years is due to the secretary of the Commissioners of Prisons,

Mr. Fred G. Pettigrove, who deservedly holds a high rank as a statistician. From 1861 to 1881 the figures are incomplete, but this makes little difference, because the principal changes have taken place since 1881.

The number of commitments to all the prisons of the State, including the reformatories for adults, were as follows:—

1881	17,062	1886	25,458
1882	22,865	1887	26,825
1883	24,125	1888	30,683
1884	26,739	1889	34,094
1885	26,651	1890	33,290

Before the meaning of these figures is estimated, it is important to ascertain how this increase of nearly 100 per cent. is made up, and what offences have increased. It is found that the increase in commitments for offences against the person was only about 8 per cent. The increase in commitments for offences against property was a little more than 14 per cent. In the same period the population of the State increased more than 25 per cent. These two classes of offences are universally recognized as crimes, while the offences against public order stand on a different basis.

Turning once more to the last but one of the preceding tables, we shall gather some important facts regarding the course of real crime. The commitments for larceny in 1885 were exceptionally large. In 1884 there were but 1,871, and in 1886 there were only 1,671. But taking the figures as they stand, they make a remarkable showing. From 1841 to 1846 the commitments for these offences increased 89 + per cent; from 1846 to 1851 they increased 53 + per cent, and in the next seven years, from 1851 to 1858, they increased 68 + per cent. But in the five years from 1880 to 1885 the increase was only 25 + per cent, and in the last five years there has been *an actual decrease* in commitments for each of these offences. More than this, as the same table shows, there were actually fewer commitments for these offences in 1890 than there were in 1858! (It will be noticed that making and passing counterfeit money, for which there were 119 commitments in 1858, has practically ceased.) The figures reveal a marvellous improvement in the condition of affairs in Massachusetts, so far as serious offences are concerned, since 1858, there being an actual decrease in the number of commitments for them, though the population has substantially doubled.

Where, then, has been the enormous increase which the aggregates show? Solely in offences against public order and decency, such as adultery, nightwalking, disturbing the peace, drunkenness, being idle and disorderly,

violation of liquor laws, vagrancy, and the like,—the vices of the people, or the results of their vices. The course of affairs in this direction is indicated in the following table, showing the number of commitments for drunkenness and all other offences against public order, in each of the last eleven years:—

Years.	Drunkenness.	All Other.*	Total.	Years.	Drunkenness.	All Other.	Total.
1880	10,962	2,312	13,274	1886	17,981	3,258	21,239
1881	10,930	2,223	13,153	1887	19,952	2,773	22,725
1882	16,769	2,122	18,891	1888	23,407	3,031	26,438
1883	17,854	2,259	20,113	1889	25,879	3,548	29,427
1884	19,564	2,705	22,269	1890	25,686	3,236	28,922
1885	18,701	3,153	21,854				

* Against public order.

The increase of commitments to Massachusetts prisons has been, as will be seen, entirely in drunkenness. Even the kindred offences have increased far less in proportion than drunkenness has. We are not becoming a nation of criminals, but we are overwhelmed by a great tide of drunkenness and kindred vices. If, instead of commitments, we consider the prison population at any given date, we find the same fact prominent. With a population of more than two and a quarter millions, Massachusetts held in prison, in September, 1890, only 601 persons sentenced for offences against the person, and only 1,545 for offences against property, a total of 2,146, or less than one for each thousand of the population.

The commitments for drunkenness in 1841 were 1,143 in a total of 3,692 for all offences. In 1890 they were 25,686 in a total of 33,290. Excluding the commitments for drunkenness, the commitments in 1841 were 2,813. In 1890 they were 7,450 (the commitments to the State Prison being omitted in both cases). The population of the State had trebled. If the number of commitments for other offences than drunkenness had increased at the same rate, they would have been 8,439. They were only 7,450. In other words, the increase in the commitments for serious offences was not as large by about twelve per cent. as the increase in population.

It does not seem necessary to take space to refer to the large business of the inferior courts, farther than to say that it consists mainly of cases of drunkenness and kindred offences. Of the 81,255 cases begun in the lower courts, sentences were imposed in only 66,922. In the Superior Court 2,158 more sentences were imposed, making a total of 69,080. In other words in about 13,000 cases guilt was not proved, or the offences were too

trivial to warrant sentences. Sixty-five thousand three hundred and ninety-six of the 81,255 cases were for offences against public order, and 51,466 of these were for drunkenness. There were, in the entire State, for the year, only 8,102 cases begun in the lower courts for offences against the person—many of them petty assaults—and only 7,757 cases of offences against property—many of them petty larcenies. Though Massachusetts punishes many offences which are not noticed anywhere else, this record cannot be equalled in any other State, as showing exemption from serious offences.

This progress has been made in spite of two great demoralizing influences—the war and immigration. In no other country has war had so few evil results, but its effects are still felt in the morals of the people, to some extent. The demoralization caused by immigration was much greater, and is more easily traced. The following table will show at a glance something of its effect. The figures represent the commitments to the county prisons, and the proportion of native-born and foreign-born persons committed:—

Years.	Native born	Foreign-born.	Per. cent native.	Per cent foreign.
1841.....	3,167	1,357	70 +	29 +
1851.....	6,556	5,072	56 +	43 +
1861.....	4,115	6,992	37 +	62 +

It will be seen that the number of commitments of native-born prisoners was actually smaller by more than one-third, in 1861 than it was in 1851. If we continue this inquiry, we find that though 9,426 of the 18,222 persons committed to county prisons in 1890 were born in this country, only 2,860 had American-born parents.

Remembering that during the past half-century we have absorbed hundreds of thousands of foreigners, who had been reared in a different atmosphere, the wonder is that we should be able to say that acts which are universally recognized as crimes have decreased in Massachusetts in proportion to the population. So much of the Massachusetts of 1841 as is reproduced in 1891, is far better than it was half a century ago—more honest, more temperate, more virtuous. It is also true that there has been a steady improvement in the character of our foreign population, under the influence of our institutions. That there should be a large pauper and criminal residuum is to be expected, but there were never so many honest, temperate, and virtuous persons of foreign birth and parentage in

Massachusetts as there are to-day. A comparatively small number give a bad name to the mass of our foreign-born population. But in spite of the great influx of persons reared without the advantages of our civilization, we have more than held our own, as a State, in the struggle against crime, though we have failed to keep down the vices.

There may be those who do not see the reason for making a distinction between the more serious offences and the misdemeanors. The distinction may seem an arbitrary one, but an examination shows that there is a well-defined line of separation. There are certain acts which are universally recognized and treated as crimes. They include murder, assault, robbery, burglary, larceny, embezzlement, and the like. There are other acts which are crimes in one State and are unnoticed elsewhere. If any good citizen should see a man snatch a pair of shoes, he would feel under obligation to cry "stop thief." If he saw a burglar breaking into a house, he would endeavor to secure his arrest. If he witnessed an assault, he would call the police. Every good citizen feels a personal interest in preventing these offences, and in securing the arrest of those who commit them. But no one has the same feeling about offences against public order and decency. Neither the government nor the offender nor the good citizen looks upon offences against public order in the same way that he looks upon offences against the person or against property, and it must be apparent that in considering the question of the increase or decrease of crime, the same discrimination should be made. The causes, effects, and methods of treatment are different. In saying this I would not be understood as conveying the impression that the misdemeanors are of little consequence, for I regard drunkenness, vagrancy, and the like, in some of their aspects, as even more serious than offences against person and property. I only bespeak intelligent discrimination in the study of statistics of crime.

From what I have said it will be inferred, and properly, that I disagree emphatically with the assumption that the increase in crime during the last half-century is due to sentimentalism in prison management. I have shown that there was a larger increase in crime when the strictly punitive system was in force, than there has been latterly, and that in spite of the war and demoralizing immigration, we have kept down the figures which represent everything except vice. No one will contend that the increase in drunkenness is due to excessive leniency in the treatment of prisoners.

The drift of the argument of Mr. Andrews seems to be against the reformatory system, but it will be noticed that all his illustrations are drawn

from strictly punitive institutions,—the Boston House of Industry and the county prisons, where nothing is done with a definite purpose to reform the prisoner. That men return to those institutions scores of times is true, but this should not be charged to the reformatories, to which comparatively few return. They are responsible for those only who are treated by them, —less than a thousand a year out of the more than thirty-three thousand who are committed each year to Massachusetts prisons. The reformatory system must be judged by its own results upon those submitted to it, and its friends court a comparison of these results with those attained under the most severe of punitive systems.

Prison reformers are a unit against the whole system of brief sentences to merely penal institutions. They contend that where imprisonment is necessary, it should be for a term long enough to permit an effort for the reformation of the offender, and that whenever any human being comes into custody, the State should avail itself of the opportunity to secure that change of character which will prevent his return to a life of crime.

But when all has been done that can be done to make the prison system better, it will be found that the prison cannot be depended upon to reduce crime. Fear of imprisonment may deter a good man from yielding to a great temptation, but only a small percentage of the crime class consists of "good men gone wrong." A much larger percentage consists of men and women badly born and badly reared, whose instincts, desires, impulses and environments have always been wrong, to some extent. To this class of persons, imprisonment, no matter how severe, can never have much restraining power.

Crime can no more be reduced by punishing (or even reforming) the criminal, than an epidemic of smallpox can be stopped by curing its victims. The criminal is a product, and crime can be decreased only by stopping the production. Wise prison methods will result in the restoration of many who have fallen, but until methods are devised for keeping men from becoming criminals, little comfort can be obtained from statistics of crime. Multiply and apply the agencies which have kept the other three hundred and ninety-nine virtuous and honest, and the other one in four hundred may be kept out of the criminal ranks. Reduce the agencies which make men vicious, and the solution of the problem will be comparatively easy. The responsibility for the increase of crime, when there is an increase, rests upon society, and not upon sentimentalism in prison management.

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